



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

838

[Docket No. HM-74]

NOTICE OF PUBLIC HEARING

DOT Specifications 3A, 3AA, and 39
Cylinders Manufactured Outside
United States

Section 173.301(i) of the Department's Hazardous Materials Regulations prohibits the transportation of charged compressed gas cylinders unless they have been made in accordance with applicable DOT specifications and unless the tests required by the specifications under which they are manufactured have been conducted within the United States. Sections 178.36 and 178.37 of Title 49, CFR, prescribe DOT specifications 3A and 3AA, respectively, and require chemical analyses and tests as specified in those sections to be made within the limits of the United States. A similar requirement appears in the proposed new specification 39 high-pressure disposable cylinder provisions, published December 11, 1970 (35 F.R. 18879).

These cylinders are used to transport various compressed gases, such as carbon dioxide, oxygen, helium, argon, and nitrogen for industrial and medical purposes. In addition, new National Highway Safety Bureau motor vehicle Standard No. 208 (35 F.R. 16927) specifies occupant crash protection requirements for certain motor vehicles manufactured on or after July 1, 1973, including those of foreign manufacture sold in the United States. One major type of passive restraint system contemplated employs a high pressure gas cylinder, which would also be subject to the requirement that analyses and tests be performed within the United States. In view of the desire to import foreign-made cylinders for industrial and medical gas service and the future difficulties which will evolve from passive restraint systems being incorporated into foreign manufactured automobiles, the Board is considering the necessity for continuing to require the prescribed chemical analyses and tests to be performed within the United States. The Board believes that public participation and comments would be particularly helpful and therefore it will conduct a public hearing on this matter at 10 a.m. on February 23, 1971, in Room 10430 Nassif Building, 400 Seventh Street SW., Washington, DC.

The Board will appreciate comments addressed to the following principle area of consideration: Are the regulatory controls imposed on manufacturers of specifications 3A, 3AA, and other cylinders made in the United States suitable for controlling manufacturers outside the United States? For example, if the

Bureau of Explosives is capable of qualifying competent and disinterested inspectors for cylinder manufacturing operations in the United States, would it also have the capability to approve, in a satisfactory manner, competent and disinterested inspectors performing their duties outside the United States? Also, in what manner is safety enhanced by the requirement that tests and analyses be performed in the United States? Could the same inspector witness tests performed outside the United States?

The hearing will be an informal one conducted by the Board. It will not be a judicial or evidentiary type hearing. There will be no cross-examination of persons presenting statements. A representative of the Board will make an opening statement outlining the scope of the hearing. Statements should focus on the issue raised by this notice. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and present oral or written statements on the matter set for hearing. These statements will be a matter of public record. Any person who wishes to make an oral statement at the hearing should notify the Secretary of the Hazardous Materials Regulations Board by February 17, 1971, stating the approximate amount of time required for his initial statement. The Board will also receive written comments until March 9, 1971.

All communications concerning the hearing should be addressed to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590.

This notice is issued under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on January 5, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc. 71-555 Filed 1-14-71; 8:48 am]

NOTE: F.R. Doc. 71-555, *supra*, was inadvertently published in the Proposed Rules section of the issue for Friday, Jan. 15, 1971.